

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

RECEIVED

20 AUG 2004

WIPO PCT

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US2004/007423	International filing date (day/month/year) 11.03.2004	Priority date (day/month/year) 25.03.2003	
International Patent Classification (IPC) or both national classification and IPC G07F17/32			
Applicant IGT			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 eprmu d Fax: +49 89 2399 - 4465	 Lavin Liermo, J Telephone No. +49 89 2399-2289

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2004/007423

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2004/007423

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-49
No: Claims

Inventive step (IS) Yes: Claims
No: Claims 1-49

Industrial applicability (IA) Yes: Claims 1-49
No: Claims

2. Citations and explanations

see separate sheet

Re Item V.

1). Reference is made to the following documents:

D1 : EP-A-1063622

D2 : DE-A-19944140

D3 : WO-A-0237246

D4 : WO-A-9410658

2). D1 discloses a gaming apparatus (10), comprising:

a display unit (12);

an input device (22, 12, page 3 line 34 "touch-screen", page 14 lines 47-48) to allow a player to make an input selection; and

a controller (20) operatively coupled to the display unit(see Fig. 2 how 20 is coupled to 12), the input device (see Figure 2 20 is connected to 12 and 22), the controller (20) comprising a processor (page 3 line 46 "CPU") and a memory (24) operatively coupled to the processor (see Figure 2, 24 is coupled to 20),

the controller (20) being programmed to allow the player to play a game (see page 3 [0012] "Then, the CPU 20 operates to execute a basic game program....causing the CPU 20 to set the reels in motion.."),

the controller (20) being programmed to permit the player to make a wager (page 3 lines 45-46 "Coin/credit detector 18 signals a CPU 20 when a player has inserted a number of coins or played a number of credits", page 4 lines 10-11 "The player then chooses the number of coins or credits to bet on the selected paylines by pressing the "Bet Per Line" key 58"),

the controller (20) being programmed to cause a video image relating to the game to be generated on the display unit (page 3 lines 46-53 "Then, the CPU 20 operates to execute a basic game program which causes the video display 12 to display the basic game.....which causes the video display 12 to display the basic game...and then stop the reels to display symbols ...causing the video display 12

to show a bonus game"),

the controller (20) being programmed to determine a value payout associated with an outcome of the game (page 3 line 58-page 4 line 2 "A payoff mechanism 26 is operable in response to instructions...to award a payoff of coins or credits to the player in response to certain winning outcomes which might occur in the basic game or bonus game"),

the subject-matter of claim 1 therefore differs from this known apparatus in that:

- (I) the controller (20) operatively coupled to a biometric device,
- (ii) the controller (20) being programmed to receive biometric data associated with a game play selection of the player,
- (iii) the controller being programmed to determine whether to permit the game play selection based on the received biometric data.

The problem to be solved by the present invention may therefore be regarded as :

p1 How to avoid that predetermined persons cannot access to the gaming apparatus ?

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

The skilled person in view of D2 Fig. 1, column 5 line 49-column 6 line 20, claims 1-5 would provide the teaching of these passages of D2 to the teaching of D1 for the purpose of solving the problem p1.

The subject-matter of claim 1 does therefore not involve an inventive step (Art. 33(3) PCT).

The provided arguments for claim 1 apply also to the corresponding method and tangible medium storing machine readable instructions, thus claims 27, 49 do not fulfil the requirements of Art. 33(3) PCT.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/007423

3). D2 column 7 lines 35-55, claims 19-22 discloses implicitly the supplementary features of claims 2-3, because if the data to be compared are stored in the central computer, it means that the steps performed in claims 2,3 are automatically performed in D2.

Claim 4 cannot serve as basis for an allowable independent claim, because its supplementary features refer either to rules of playing games or to presentation of information.

D3 -Abstract (see especially "digital information can be accessed only at the specific geographic location.....recovering the appliance location from a GPS receiver embedded in the appliance..."), claims 28-42- discloses the teaching of claims 5-8 because is an infrastructure for granting access according to the position of the appliance.

D2 claims 12-14 or D4 claims 1-10, pages 8-9 discloses the supplementary features of claims 9-12.

None of the supplementary features of the dependent claims 13-26, 28-48 can be seen as an allowable basis for an independent claim.